

*Seiplier v. Cundiff, et al.*  
Case No. 08 CV 50257

## **Exhibit G**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Zane Seipler,

Plaintiff,

v.

Captain Anton Cundiff, et al.,

Defendants.

Case No. 08 c 50257

Judge Kapala

Magistrate Judge Mahoney

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF MCHENRY )

**SWORN AFFIDAVIT OF CAPTAIN ANTON CUNDIFF**

I, CAPTAIN ANTON CUNDIFF, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:

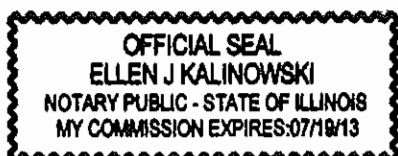
1. I am a Captain for the McHenry County Sheriff's Office.
2. I have never seen the transcript of Deputy Scott Milliman's deposition testimony, dated November 23, 2010.
3. I have never provided a copy of the transcript to anyone.
4. I never provided a copy of the transcript to an employee of the Northwest Herald.

Further Affiant Sayeth Not.

Capt. Anton Cundiff  
Captain Anton Cundiff

SUBSCRIBED and SWORN to before me  
this 26<sup>th</sup> day of January 2011.

Ellen J. Kalinowski  
NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Zane Seipler,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08 c 50257
	)	
Captain Anton Cundiff, et al.,	)	Judge Kapala
	)	Magistrate Judge Mahoney
Defendants.	)	

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STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF MCHENRY    )

**SWORN AFFIDAVIT OF LIEUTENANT JOHN MILLER**

I, LIEUTENANT JOHN MILLER, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:

1. I am a Lieutenant at the McHenry County Sheriff's Office.
2. I am the patrol commander and a supervisor for Deputy Scott Milliman.
3. On or about December 13, 2010, I received a copy of a transcript of Deputy Milliman's deposition testimony, dated November 23, 2010, from Undersheriff Andrew Zinke for the purpose of an internal review regarding Deputy Milliman's fitness for duty.
4. On or about December 21, 2010, I emailed a copy of the transcript to Sergeant Eric Ellis for purposes of the internal review and asked him to print out a copy and place it on my desk. I also stated in the email that the transcript was confidential and should not be shared with anyone.

5. On or about December 22, 2010, I ordered Sergeant Ellis to provide a copy of the transcript to Undersheriff Zinke for purposes of the internal review.
6. I did not provide a copy of the transcript to anyone other than Sergeant Ellis.
7. I never provided a copy of the transcript to an employee of the Northwest Herald.

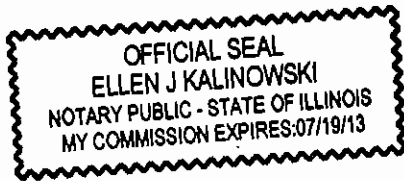
Further Affiant Sayeth Not.

Lt. S. Miller #1431

Lieutenant John Miller

SUBSCRIBED and SWORN to before me  
this 20<sup>th</sup> day of January 2011.

Ellen J. Kalinowski  
NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Zane Seipler,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08 c 50257
	)	
Captain Anton Cundiff, et al.,	)	Judge Kapala
	)	Magistrate Judge Mahoney
Defendants.	)	

STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF MCHENRY    )

**SWORN AFFIDAVIT OF LIEUTENANT WILLIAM LUTZ**

I, LIEUTENANT WILLIAM LUTZ, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:

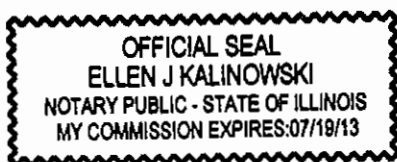
1. I am a Lieutenant for the McHenry County Sheriff's Office.
2. I have never seen the transcript of Deputy Scott Milliman's deposition testimony, dated November 23, 2010.
3. I have never provided a copy of the transcript to anyone.
4. I never provided a copy of the transcript to an employee of the Northwest Herald.

Further Affiant Sayeth Not.

  
\_\_\_\_\_  
Lieutenant William Lutz

SUBSCRIBED and SWORN to before me  
this 20<sup>th</sup> day of January 2011.

  
\_\_\_\_\_  
NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Zane Seipler,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08 c 50257
	)	
Captain Anton Cundiff, et al.,	)	Judge Kapala
	)	Magistrate Judge Mahoney
Defendants.	)	

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STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF MCHENRY    )

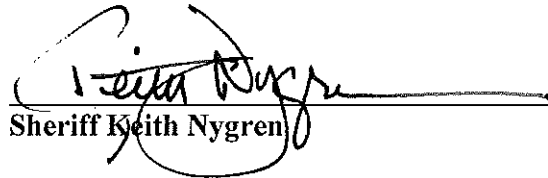
**SWORN AFFIDAVIT OF SHERIFF KEITH NYGREN**

I, SHERIFF KEITH NYGREN, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:

1. I am the Sheriff of the McHenry County Sheriff's Office.
2. Sometime between December 7-10, 2010, Undersheriff Andrew Zinke provided me a copy of the transcript of Deputy Scott Milliman's deposition testimony, dated November 23, 2010.
3. On or about December 10, 2010, I spoke to Jose Rivera over the telephone. He called me and told me that he had received a deposition subpoena to testify in *Seipler v. Cundiff, et al.*, Case No. 08 CV 50257, in which I am a named Defendant.
4. Mr. Rivera asked me if I knew why he was served with a subpoena and if I knew what he would be asked during the deposition.

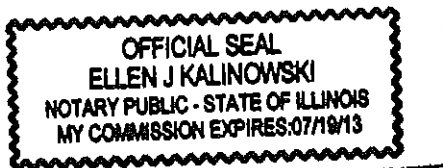
5. I told Mr. Rivera that I believed he received a subpoena because of Deputy Milliman's deposition testimony. I told Mr. Rivera that instead of me trying to explain Milliman's testimony, I thought it would be best if he read the transcript in order to answer his questions. I told Mr. Rivera that he could come by the McHenry County Sheriff's Office to read the transcript of Milliman's deposition testimony.
6. I was not present when Mr. Rivera came to the McHenry County Sheriff's Office to read the transcript, and I did not personally provide a copy of the transcript to Mr. Rivera.
7. I have never provided a copy of the transcript to anyone.
8. I never provided a copy of the transcript to an employee of the Northwest Herald.

Further Affiant Sayeth Not.

  
Sheriff Keith Nygren

SUBSCRIBED and SWORN to before me  
this 20<sup>th</sup> day of January 2011.

  
NOTARY PUBLIC



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

Zane Seipler,

Plaintiff,

Y.

Captain Anton Cundiff, et al.,

**Defendants.**

Case No. 08 c 50257

Judge Kapala

Magistrate Judge Mahoney

STATE OF ILLINOIS

) SS.

COUNTY OF MCHENRY

**SWORN AFFIDAVIT OF LIEUTENANT JAMES POPOVITS**

I, LIEUTENANT JAMES POPOVITS, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:

1. I am a Lieutenant for the McHenry County Sheriff's Office.
2. I have never seen the transcript of Deputy Scott Milliman's deposition testimony, dated November 23, 2010.
3. I have never provided a copy of the transcript to anyone.
4. I never provided a copy of the transcript to an employee of the Northwest Herald.

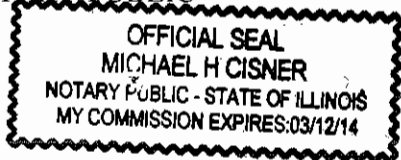
Further Affiant Sayeth Not.

**Lieutenant James Popovits**

SUBSCRIBED and SWORN to before me  
this 20<sup>th</sup> day of January 2011.

Michael A. Cisner  
NOTARY PUBLIC

NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Zane Seipler,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08 c 50257
	)	
Captain Anton Cundiff, et al.,	)	Judge Kapala
	)	Magistrate Judge Mahoney
Defendants.	)	

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STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF MCHENRY    )


**SWORN AFFIDAVIT OF SERGEANT ERIC ELLIS**

I, SERGEANT ERIC ELLIS, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:

1. I am a Sergeant at the McHenry County Sheriff's Office.
2. On or about December 21, 2010, I received an email from my supervisor, Lieutenant John Miller. The email stated I was to print out a copy of the transcript of Deputy Scott Milliman's deposition testimony, which was attached to the email, and place it on Lieutenant Miller's desk. The email also stated the deposition was confidential and should not be shared with anyone.
3. That same day, I printed out only one (1) copy of the deposition transcript and placed it on Lieutenant Miller's desk in his office in a unmarked manilla folder. After I placed the copy on his desk, I locked the door to his office.

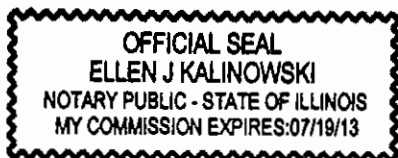
4. At the request of Lieutenant Miller, on December 22, 2010, I emailed a copy of the transcript to Undersheriff Andrew Zinke.
5. After I sent the email to Undersheriff Zinke, I deleted all of the emails related to Deputy Milliman's deposition transcript from my inbox.
6. I did not provide a copy of the transcript to anyone other than Lieutenant Miller and Undersheriff Zinke.
7. I never provided a copy of the transcript to an employee of the Northwest Herald.

Further Affiant Sayeth Not.

  
Sergeant Eric Ellis

SUBSCRIBED and SWORN to before me  
this 28<sup>th</sup> day of January 2011.

  
NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Zane Seipier,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08 c 50257
	)	
Captain Anton Cundiff, et al.,	)	Judge Kapala
	)	Magistrate Judge Mahoney
Defendants.	)	

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STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF MCHENRY    )

**SWORN AFFIDAVIT OF UNDERSHERIFF ANDREW ZINKE**

I, UNDERSHERIFF ANDREW ZINKE, being first duly sworn upon oath, do state and depose that I have personal knowledge of all facts which follow, and if called, I could testify competently and accurately to the following:


1. I am the Undersheriff of the McHenry County Sheriff's Office.
2. On or about December 7, 2010, I received an email Carrie Kinowski, an employee of James G. Sotos & Associates. Attached to the email was a copy of the transcript of Deputy Scott Milliman's deposition testimony, dated November 23, 2010.
3. Sometime between December 7-10, 2010, I provided a copy of the transcript to Sheriff Keith Nygren.
4. On or about December 10, 2010, Sheriff Nygren told me that Jose Rivera would be coming to the McHenry County Sheriff's Office to review a copy of the transcript.

5. On or about December 11, 2010, Jose Rivera came to the McHenry County Sheriff's Office to review a copy of the transcript. Per Sheriff Nygren's request, I provided Mr. Rivera a copy of the transcript.
6. Sometime thereafter, in December 2010, I provided a copy of the transcript to Lieutenant John Miller for purposes of an internal review regarding Deputy Milliman's fitness for duty.
7. I did not provide a copy of the transcript to anyone other than Sheriff Nygren, Lieutenant Miller, and Mr. Rivera.
8. I never provided a copy of the transcript to an employee of the Northwest Herald.

Further Affiant Sayeth Not.

  
Undersheriff Andrew Zinke

SUBSCRIBED and SWORN to before me  
this 20<sup>th</sup> day of January 2011.

  
NOTARY PUBLIC

